

REMARKS

In accordance with the foregoing, claims 1-17 are pending and under consideration. Claim 1 has been amended. No new matter is included in this amendment.

The 35 U.S.C. §101 Rejection:

At page 2 of the Office Action, the Examiner rejects claims 1-3 under 35 U.S.C. §101, alleging that the claims are directed to a recording medium storing nonfunctional descriptive material. Claim 1 has been amended to clearly distinguish the rejected claims from the form of claims found unpatentable by *In re Warmerdam*, 31 USPQ2d 1754 (Fed. Cir. 1994), and to clearly fall within the form found patentable by *In re Lowry*, 32 USPQ 2d 1031 (Fed. Cir. 1994). See MPEP 2106. IV B.1. (second paragraph) and *In re Lowry* at p.1035.

Claim 1 is directed to a recording medium comprising "a merged bit stream comprising a plurality of bit streams, each of the plurality of bit streams having time information units inserted at predetermined intervals recorded therein, and control information which represents whether the time information units are temporally discontinuous recorded at a boundary between adjacent ones of the plurality of bit streams, the control information enabling a reproducing apparatus to seamlessly reproduce the plurality of bit streams."

Claim 1 recites a recording medium structure having time information units and control information which are useable by a reproducing apparatus to seamlessly reproduce the stored data. Claim 1 is not directed to specific data which would be considered a mere abstraction or to data which could be the subject of a copyright.

Claims 2 and 3 are deemed to be statutory at least for similar reasons set forth above regarding claim 1.

Allowable Subject Matter:

At page 2 of the Office Action, the Examiner indicates that claims 4-17 are allowed.

Conclusion:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

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By:


John H. Stowe
Registration No. 32,863

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510